

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMMY R. QUAIR, SR.,

Plaintiff,

v.

DAVE ROBINSON, et al.,

Defendants.

No. 1:21-cv-01214-DAD-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTION FOR LEAVE TO
FILE AN AMENDED COMPLAINT

(Doc. Nos. 6, 8)

Plaintiff Sammy R. Quair, Sr., is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 16, 2021, the assigned magistrate issued findings and recommendations recommending that plaintiff's motion for leave to file an amended complaint in order to include class action allegations (Doc. No. 6) be denied because as a *pro se* litigant, "[p]laintiff is not entitled to file a class action lawsuit, or assert claims on behalf of anyone except himself." (Doc. No. 8 at 3–4.) The pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 4.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
3 findings and recommendations are supported by the record and by proper analysis.

4 Accordingly:

- 5 1. The findings and recommendations issued on September 16, 2021 (Doc. No. 8) are
6 adopted;
- 7 2. Plaintiff's motion for leave to file an amended complaint (Doc. No. 6) is denied;
8 and
- 9 3. This action is referred back to the assigned magistrate judge for further
10 proceedings.

11 IT IS SO ORDERED.

12 Dated: **November 8, 2021**

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15 UNITED STATES DISTRICT JUDGE
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